IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

LA.App..No. 943 of 2001()

LAR.13/1991 of PRINCIPAL SUB COURT,ATTINGAL
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS:

1.SARASWATHY WARASIAR AMMA, PALEKAVU, WARIAM, PAZHAYA KUNNUMMAL, KILIMANOOR.

2.SANTHAKUMARI WARASIAR AMMA, PALEKAVU, WARIAM, PAZHAYAKUNNUMMAL, KILIMANOOR.

3.VIJAYAKUMARI WARASIAR AMMA, PALEKAVU, WARIAM, PAZHAYA KUNNUMMAL, KILIMANOOR.

4.THE SECRETARY, K.S.E.B., THIRUVANANTHAPURAM.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No.943 of 2001

Dated 5th February, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal arises from the judgment and decree in L.A.R.13/91 on the file of the Sub Court, Attingal. The acquisition was for the purpose of construction of 110 KV Sub Station by the Kerala State Electricity Board at Kilimanoor. Section 4(1) notification was issued on 3.1.1989 and the award was passed on 31.7.1990. The Land Acquisition Officer fixed the land value at the rate of Rs.5,595/- per Are. The reference court, mainly based on Ext.R4 document fixed the land value at Rs.6,806/- per Are. The contention of the learned Government Pleader is that the properties are not similarly situated. But on the evidence as discussed by the reference court, we find that the properties are similarly situated. There is no appeal against L.A.R.12/91 on the file of the Sub Court, Attingal, which pertains to acquisition of the property covered by

Ext.R4 document. All that apart, there is no appeal by the requisitioning authority. For all the above reasons, we find that the enhancement is just and reasonable. The appeal is dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO.943 OF 2001

J U D G M E N T

Dated 5th February, 2007.